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February 8, 2018

**BY ECF**

Honorable Ronnie Abrams  
United States District Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Exceed Holdings v. Chicago Board Options Exchange, No. 17-cv-8078 (RA)

Dear Judge Abrams:

I write on behalf of both parties to respectfully inform the Court, pursuant to the Court's endorsement on January 5, 2018 of the parties' proposals (Dkt. No. 18), that the parties propose the continued adjournment of the Initial Case Management Conference *sine die*. As the Court may recall, Defendant proposed in the Case Management Plan and Scheduling Order (Dkt. No. 15) that discovery should not commence, and no case management order should be entered, until after either Defendant answers an amended complaint filed in response to the Court's granting the motion to dismiss, or the Court's Order denying such motion. Plaintiff agreed with this proposal. (*Id.*) In light of Defendant's intent to move to dismiss the Amended Complaint, which motion will be filed tomorrow, the parties believe that the adjournment *sine die* remains appropriate.

The parties are available, at the Court's convenience, to answer any questions by the Court.

Respectfully submitted,

A handwritten signature in blue ink that reads "Stacie R. Hartman".

Stacie R. Hartman,  
Counsel for Defendant

cc: Hillel Parness, Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2018, I electronically filed the foregoing, which will cause an electronic copy to be served on counsel of record.

/s/ Stacie R. Hartman  
Stacie R. Hartman